

028106

ORDINANCE NO. 49-338

AN ORDINANCE, PURSUANT TO K.S.A. 12-3013, SUBMITTING THE QUESTION OF PASSAGE OF SECTION 17.12.340 OF THE CODE OF THE CITY OF WICHITA TO THE VOTERS OF THE CITY OF WICHITA, ESTABLISHING THE BALLOT QUESTION AND CALLING FOR A NON-PARTISAN SPECIAL ELECTION.

WHEREAS, on August 3, 2012, a petition, pursuant to K.S.A. 12-3013 was submitted to the City Clerk proposing an ordinance creating Section 17.12.340 of the Code of the City of Wichita which would require the fluoridation of the City's public drinking water;

WHEREAS, on August 16, 2012, the Sedgwick County Elections Office verified that a sufficient number of signatures were contained on the petition filed with the City Clerk to require the City Council to consider the proposed ordinance.

WHEREAS, the City Council has heard public comment regarding the proposed ordinance and finds that the issue should be submitted to a vote of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA:

SECTION 1. Pursuant to K.S.A. 12-3013, after careful and thoughtful consideration of the proposed ordinance, weighing the health benefits of fluoridation and citizens' rights to choose what chemicals or substances they ingest, the City Council determines that it is in the public's interest to submit this question to a vote of the citizens of the City of Wichita.

SECTION 2. Ballot Question. The ballot question shall read as follows:

Ballot Question:

SHALL SECTION 17.12.340 OF THE CODE OF THE CITY OF WICHITA BE ADOPTED WHICH PROVIDES:

- (1) The City of Wichita's Director of Public Works & Utilities is authorized and directed to fluoridate the City of Wichita's public drinking water supply to the optimal levels beneficial to reduce tooth decay and promote good oral health as recommended by the Kansas Department of Health and Environment and is thereafter responsible for the fluoridation of that public drinking water supply.
- (2) Upon the direction of the Director of Public Works & Utilities, the Wichita Water Department is authorized and directed to install, operate, and maintain the equipment necessary to introduce fluoride compound sufficient to raise the fluoride concentration in the public drinking water supply to the optimal levels as set forth in the previous paragraph.

YES _____ NO _____

SECTION 3. Notice and Call of Election.

A. Pursuant to K.S.A. 12-3013, the Wichita City Council hereby gives notice of and calls for a non partisan special election to be held in the City of Wichita, Kansas on November 6, 2012 to submit to the qualified voters of the City the question of whether Section 17.12.340 of the Code of the City of Wichita should be adopted.

B. Such election shall be conducted by the Sedgwick County Election Commissioner and held in the manner and in accordance with the laws of the State of Kansas, including but not limited to K.S.A. 25- 2601 et seq.

C. Only the qualified electors registered to vote under the laws of the State of Kansas, in the City of Wichita, Kansas, may vote on the question as set forth; and the question must be approved by a majority of the voters voting thereon at the election;

SECTION 4. Publication The City Clerk is hereby directed to give notice of the election as provided by law by publishing a Notice of Special Question Election in substantially the form attached hereto as Exhibit A, once each week for two (2) consecutive weeks in a newspaper of general circulation in the City, the first publication to be not more than twenty (20) days prior to the election and the last publication being not less than five days prior to the date of the election.

SECTION 5. This ordinance shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body on this 28th day of August, 2012.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf
City Attorney